

DAN BURTON, INDIANA
CHAIRMAN

BENJAMIN A. GILMAN, NEW YORK
CONSTANCE A. MORELLA, MARYLAND
CHRISTOPHER SHAYS, CONNECTICUT
ILEANA ROS-LEHTINEN, FLORIDA
JOHN M. MC HUGH, NEW YORK
STEPHEN HORN, CALIFORNIA
JOHN L. MICA, FLORIDA
THOMAS M. DAVIS III, VIRGINIA
DAVID M. MCINTOSH, INDIANA
MARK E. SOUDER, INDIANA
JOE SCARBOROUGH, FLORIDA
STEVEN C. LATOURETTE, OHIO
MARSHALL "MARK" SANFORD, SOUTH CAROLINA
BOB BARR, GEORGIA
DAN MILLER, FLORIDA
ASA HUTCHINSON, ARKANSAS
LEE TERRY, NEBRASKA
JUDY BIGGERT, ILLINOIS
GREG WALDEN, OREGON
DOUG OSE, CALIFORNIA
PAUL RYAN, WISCONSIN
JOHN T. DOOLITTLE, CALIFORNIA
HELEN CHENOWETH, IDAHO

ONE HUNDRED SIXTH CONGRESS

Congress of the United States

House of Representatives

COMMITTEE ON GOVERNMENT REFORM

2157 RAYBURN HOUSE OFFICE BUILDING

WASHINGTON, DC 20515-6143

MAJORITY (202) 225-5074
MINORITY (202) 225-5051
TTY (202) 225-6852

December 29, 1999

HENRY A. WAXMAN, CALIFORNIA
RANKING MINORITY MEMBER

TOM LANTOS, CALIFORNIA
ROBERT E. WISE, JR., WEST VIRGINIA
MAJOR R. OWENS, NEW YORK
EDOLPHUS TOWNS, NEW YORK
PAUL E. KANJORSKI, PENNSYLVANIA
PATSY T. MINK, HAWAII
CAROLYN B. MALONEY, NEW YORK
ELEANOR HOLMES NORTON,
DISTRICT OF COLUMBIA
CHAKA FATTAH, PENNSYLVANIA
ELIJAH E. CUMMINGS, MARYLAND
DENNIS J. KUCINICH, OHIO
ROD R. BLAGOJEVICH, ILLINOIS
DANNY K. DAVIS, ILLINOIS
JOHN F. TIERNEY, MASSACHUSETTS
JIM TURNER, TEXAS
THOMAS H. ALLEN, MAINE
HAROLD E. FORD, JR., TENNESSEE
JANICE D. SCHAKOWSKY, ILLINOIS

BERNARD SANDERS, VERMONT
INDEPENDENT

VIA FACSIMILE

The Honorable Ricardo Martinez
Administrator
National Highway Traffic Safety Administration
Department of Transportation
400 7th Street, S.W.
Washington, D.C. 20590

Dear Administrator Martinez:

I am writing to comment on the National Highway Traffic Safety Administration's (NHTSA) supplemental notice of proposed rulemaking (SNPRM) issued November 5, 1999, and entitled "Federal Motor Vehicle Safety Standards; Occupant Crash Protection; Proposed Rule" (64 FR 60555). In addition, I am writing to request certain information.

I am deeply concerned that NHTSA is taking action too quickly. NHTSA did not have enough real-world data when it first required simple airbags in 1977. Numerous deaths resulted from those airbags—deaths that possibly could have been entirely eliminated had NHTSA obtained critical information on how airbags actually perform.

Now NHTSA is proposing a far more complex and far-reaching rule that mandates advanced or "smart" airbags—again without real-world data on how such airbags operate. In fact, the technology for advanced airbags is still in the development stage. Before repeating the mistake of rushing into uncharted territory, NHTSA should perform extensive real-world trials on advanced airbags. At the very least, there should be a fleet demonstration—perhaps with government vehicles, as was done with simple airbags.

I am further concerned about the effect of mandating unbelted crash tests. Every State except New Hampshire has a law requiring seat belt use. By calibrating crash tests to protect unbelted occupants, this SNPRM would safeguard lawbreakers, at the expense of law-abiding citizens (particularly women and children). The Transportation Equity Act for the 21st Century (TEA 21) mandates that the risk of death and injury be minimized for infants, children, and other vehicle passengers. Unbelted crash tests do not minimize the risk to infants, children, and belted occupants.

Pursuant to the Constitution and Rules X and XI of the United States House of Representatives, I request that you provide the following information to me. In addition, please incorporate summaries of this information in the preamble accompanying the final rule.

1. It is my understanding that airbags have killed more people than has any vehicle defect resulting in a recall. Please provide me with a table that compares the number of deaths annually resulting from airbags with the number of deaths annually resulting from each recall since 1977.

2. Please explain why you believe current advanced airbag technology will not result in the same tragic consequences that occurred with simple airbags. Please provide copies of all documents (including study reports) that you rely on in making that determination.

3. TEA 21 requires measures that "improve occupant protection for occupants of different sizes, belted and unbelted, ... while minimizing the risk to infants, children, and other occupants from injuries and deaths caused by air bags, by means that include advanced air bags." Please provide me with the legislative history demonstrating that Congress did not intend to place a priority on protecting infants, children, and belted (law-abiding) passengers.

If you have any questions, please contact Heather Henderson, Subcommittee Counsel, at (202) 225-4407.

Sincerely,



David M. McIntosh
Chairman
Subcommittee on National Economic Growth,
Natural Resources and Regulatory Affairs

cc: The Honorable Dan Burton
The Honorable Dennis Kucinich